
(1973) 08 DEL CK 0008

In the Delhi High Court

Case No : Letter Patent Appeal No. 110 of 1973

B.D. Wadhwa and Others

APPELLANT

Vs

Hardyal Devgun and Others

RESPONDENT

Date of Decision : 09-08-1973

Acts Referred:

Delhi University Act, 1922 — Section 28, 29, 30, 31, 33

Citation : (1973) ILR Delhi 678

Hon'ble Judges : S.N. Shankar, J; Narain Andley, J

Bench : Division Bench

Advocate : B.B. Kishore, Manoj Verma, Hardev Singh, Daljit Singh, R.S. Sodhi, C.L. Joseph, S.N. Chopra, B. Dutt and R.K. Mehta, for the Appellant;

Judgement

S.N. Andley, J.

(1) These are three appeals (L.P.As. Nos. 110 to 112 of 1973) against the common judgment dated April 30, 1973 of a learned Single Judge of this Court in Civil Writs Nos. 682 and 683 of 1972.

(2) Civil Writ No. 682 of 1972 was filed by two members of the Governing Body of Maitereyi College, New Delhi, praying, inter alia, for quashing a resolution dated July 16, 1972 passed by the Executive Council of the Delhi University whereby a new Governing Body comprised of persons who are some of the respondents to the petition of the said College which is a Society registered under the Societies Registration Act, 1860 was sought to be constituted as a result of which the petitioners and some of the respondents who were appointed as the Governing Body of the said College on November 21, 1970 for a period of three years were sought to be removed as such members. The petitioners also prayed that the new Governing Body and the University of Delhi Along with the Delhi Administration be restrained from interfering with the affairs of the said Society and it be declared that the new Governing Body was illegally constituted.

(3) Similarly Civil Writ No. 683 of 1972 was filed by two members A of the

Governing Body of the Lakshmi Bai College, Delhi, which is also registered under the Societies Registration Act, 1860 who Along with some of the respondents to the petition were appointed to the Governing Body on 6th or 7th of January, 1972 with effect from November 16, 1971 to challenge the aforesaid resolution dated July 16, 1972 whereby a new Governing Body, the members of which are some of the respondents to the petition, was sought to be constituted for the said College. The prayers in this writ petition are identical with the prayers in C.W. No. 682 of 1972 and so are the points of law.

(4) By his judgment under appeal, the learned Single Judge held that a member of the Governing Body is holder of a statutory office for the term of his appointment and could be removed before the expiry of the term only for cause and after the grant of hearing but not otherwise and that the impugned resolution dated July 16, 1972 Constituting a new Governing Body for each of the two Colleges during the currency of the term was illegal as it had been passed without cause and without hearing. The learned Single Judge, Therefore, allowed both the petitions and declared that the petitioners as members of the Governing Body of the two Colleges were entitled to hold office for their respective term of three years and the aforesaid resolution dated July 16, 1972 was illegal.

(5) L.P.A. No. Iii of 1973 has been filed by the Delhi Administration in so far as Maitreyi College is concerned." The Delhi Administration has also filed L.P.A. No. 112 of 1973 in so far as Lakshmi Bai College is concerned. L.P.A. No. 110 of 1973 is by the members of the new Governing Body of Lakshmi Bai College who were appointed by the impugned resolution dated July 16, 1972 of the Executive Council of the Delhi University.

(6) It may be useful first to give the facts relating to each of the two Colleges. Maitreyi College is run by the Maitreyi College Society which was registered under the provisions of the Societies Registration Act, 1860 in or about January, 1968. Admittedly, on November, 21, 1970 the petitioners in Civil Writ No. 682 of 1972 and seven other persons who are some of the respondents to the petition were approved to be members of the Governing Body of the Maitreyi College Society, hereinafter referred to as "the Society" for a. period of three years and under the then prevailing provisions to-"which reference will be made later, the term of their office Would expire on November 21, 1973. It is the case of the petitioners that with the change in the set up of the Delhi Administration, an attempt was made to oust the Governing Body of this College amongst others. It is alleged that on July 16, 1972 a meeting of the Executive Council of the Delhi University was held in which the agenda was to consider disqualification of another college known as Rao Tula Ram College but under the head "Any other business with the permission of the chair" the matter of Constituting a new Governing Body for this college was taken up at the instance of the Vice Chancellor of Delhi University, who is the ex-officio Chairman of its Executive Council, and a new Governing Body excluding the petitioners and some of the other members of the existing Governing Body was constituted with effect from

July 16, 1972 for a period of one year as recommended by the Delhi Administration.

(7) Similarly in the case of the Lakshmi Bai College, a new Governing Body was constituted by the aforesaid resolution dated July 16, D 1972 in the same manner and allegedly for the same purpose and motive. According to the petitioners, the Governing Body of which they were the members was constituted with effect from November 16, 1971 for a period of three years. The facts leading to their appointment are that on November 4, 1971 the Delhi Administration which is the sponsoring trust recommended the names of the petitioners and some of the respondents to the Delhi University as members of the Governing Body of this College for a period of three years. The Executive Council of the Delhi University which under the relevant provisions is to grant approval met on November 27, 1971 to consider the question of approval but did not grant it for lack of particulars with regard to the persons whose names had been sponsored for this College amongst others. It, Therefore, stated,-

" THE Council ,having considered the matter carefully, authorised the Vice-Chancellor to take appropriate action and approve the nomination of such persons as he might deem proper on the Governing Bodies of these Colleges and that the action so taken be reported to the Council."

(8) Following this, the Registrar of the Delhi University wrote a letter dated January 6, 1972 to the concerned official of the Delhi Administration stating that he was directed "to convey approval of the Vice-Chancellor to the persons (list attached) nominated on the Governing Body of Laxmi Bai College, Timarpur, Delhi, for a term of 3 years with effect from 16-11-1971". According to the petitioners this was a valid approval of the names sponsored by the Delhi Administration and, Therefore, the tenure of the Governing Body of which the petitioners are" members was fixed at three years with effect from November 16, 1971 in accordance with Ordinance xviii clause 3(1) which provided that the members of the Governing Body other than A Principal and the teachers" representatives shall hold office for three years and shall be eligible for re-appointment or re-election. It then appears that clause 3(1) of Ordinance xviii was. amended with effect from January 7, 1972 as a result whereof the tenure of members of the Governing Body was fixed at one year instead of three years. Following upon this amendment the Executive Council of the Delhi University passed a resolution on January 7, 1972 with respect to the Governing Bodies of various colleges including Lakshmi Bai College stating.-

" APPROVAL accorded by the Vice-Chancellor to the persons nominated by the Delhi Administration on the Governing Bodies of the following colleges as per list enclosed (Vide Appendix XVII) subject to the condition that the term of these members should be for a period of one year in each case in accordance with the revised Ordinance now adopted, as reported and recorded."

(9) According to the Delhi Administration and the Delhi University, the tenure of

the Governing Body of which the petitioners were members was one year with effect from November 16, 1971 and that this was the final approval binding on the parties.

(10) In sum, the case of the petitioners in Civil Writ No. 682 of 1972 relating to Maitreyi College is that the tenure of the Governing Body of which the petitioners are the members was for three years with effect from November 21, 1970 and that the amendment of clause 3(1) of Ordinance xviii reducing the term to one year did not affect their tenure while the case of the petitioners in Civil Writ No. 683 of 1972 relating to Lakshmi Bai College is that the tenure of the Governing Body of which the petitioners are the members was three years with effect from November 16, 1971 and that the amendment of clause 3(1) of Ordinance xviii reducing the term to one year did not affect their tenure. Therefore, the petitioners in both the writ petitions challenge the resolution of the Executive Council dated July 16, 1972 Constituting new Governing Bodies for these two Colleges as illegal and of no effect.

(11) Before dealing with the respective contentions it is necessary to give the necessary back-ground leading to the writ petitions. Prior to 1964, the responsibility for opening and maintaining colleges and institutions for higher studies was the sole responsibility of the Government of India in the Ministry of Education and of the Delhi University. On December 8, 1961, the then Secretary to the Ministry of Education in the Government of India wrote to the then Chief Commissioner of Delhi on the basis of the Report of the Working Group appointed by the Ministry of Education in 1959 that it was estimated that roughly three colleges every two years are required to be added to the then number of colleges during the next two decades (1961-1981) due to the tremendous increase of student population in Delhi. It was further stated that the responsibility of opening colleges in Delhi vested with the Delhi Administration by virtue of Article 239 of the Constitution of India and that it was the responsibility of the Chief Commissioner to make provision for expansion of educational facilities at all stages. As a result of negotiations and directive issued by the Ministry of Education in consultation with the University of Delhi and the University Grants Commission it was decided that the Delhi Administration was to undertake the opening of new colleges as and when necessary and that the Chief Commissioner of Delhi would continue to be responsible for college education in Delhi and the planning and financing of the colleges to the extent required by the University Grants Commission. . It was also decided that the Chief Commissioner should have adequate control over colleges in the interest of proper planning of college education. Then in July, 1964 the Delhi Administration opened three colleges and in 1965 started the Lakshmi Bai College and in 1967 the Maitreyi College which were begun run and managed as Government colleges. A decision was taken by the Ministry of Education in February, 1965 that Governing Bodies of new colleges started or to be started in Delhi by the Delhi Administration should be appointed by nomination by the Chief Commissioner of Delhi and this power of nomination was to be subject "only to approval by the University of

Delhi in accordance with Statute 30. It is not disputed that it is the Delhi Administration alone which has the power to nominate persons to the Governing Body subject only to approval by the Executive Council of the University of Delhi. This decision was re-affirmed by the Ministry of Education in March, 1966 when it was also provided that the Governing Body of any college to be nominated by the Delhi Administration should constitute itself into a registered society under the Societies Registration Act, 1860 to facilitate the management of the Government colleges and also for the University Grants Commission to continue to give grants-in-aid. in accordance with this decision, the Chief Commissioner of Delhi issued a notification dated March 31. 1966 providing, inter alia, that a Governing Body shall consist of 15 members and the powers and duties of the Governing Body shall be as laid down in the Delhi University Act, 1922 and the Statutes, Ordinances and Regulations of the University of Delhi as for the time being in force.

(12) Further, rule 2 of the Rules framed by the two Societies for the Governing Bodies provides that "the Rules hereinafter contained shall apply to the Society of the college subject to such Acts, Statutes and Ordinances, Regulations and Resolutions of the University as are in force and as may be amended or revised from time to time. No property or finances of the College was transferred to the Governing Body and the finances, management including the appointment, transfer of staff, nomination of members on the Governing Body continued to vest in the Delhi Administration. In fact, the Memorandum and Articles of Associations and the rules and the bye-laws of the various societies did not make any provision for nomination, appointment and/or re-election of members of the Governing Bodies. We are here concerned with the question of nomination of persons as members of the Governing Bodies as to" which it cannot be disputed that the power of nomination remained with the Delhi Administration.

(13) We shall now deal with the statutory aspect of the matter. The Delhi University was constituted by the Delhi University Act, 1922 (Act No. Viii of 1922), hereinafter referred to as "the Act". Sections 28 to 32 of the Act provided for the making of Statutes, Ordinances and Regulations and their content. The composition of Executive Council of the University is provided by Statute 5. Statute 11-G provides, inter alia, that the Vice-Chancellor- shall be the exofficio Chairman of the Executive Council. Statute 30(1)(C) provides for conditions subject to which colleges and other institutions within the limits of State of Delhi may be admitted to such privileges of the University as the Executive Council may decide. Clause (i) provides, inter alia, that every such college or institution shall have a regularly constituted Governing Body and the rules relating to the composition and personnel of the Governing Body shall conform to the Statutes and the Ordinances of the University and the Conditions of Government Grant to Colleges. It further provides that the personnel of the Governing Bodies will require the approval of the Executive Council.

(14) These Colleges received grants from the University Grants Commission on

conditions prescribed by it. Clause 6 of the Conditions of Government Grant to Colleges provides that the members of a Governing Body, except in the case of the Principal, shall not hold office for more than three years at a time but shall be eligible for re-appointment or re-election. It is also pertinent to mention that bye-law 3 of each of such Societies provides that the constitution, A composition, term of office of members and chairmanship of the Governing Body of the Society shall be in accordance with Statute 30 read with Ordinance xviii. Ordinance xviii 3(1) as it stood prior to January 7, 1972 was, as stated earlier, in these terms :-

" THE members of the Governing Body other than Principal and the teachers" representatives shall hold office for three years and shall be eligible for re-appointment or re-election."

(15) On January 7, 1972. this Ordinance was amended and the term of office was reduced from three years to one year.

(16) The first contention that has been raised by Mr. S. N. Chopra, learned counsel for the Delhi Administration, is that the Administration acting in exercise of executive power has absolute power to say at any time as to who will be the members of the Governing Body and that the members of the Governing Body hold office at the pleasure of the Administration. He, Therefore, contends that it is open to the Delhi Administration at any time even during the tenure of the members of the Governing Body to withdraw the appointment as the appointment is neither under a contract nor under any Statute. - It is not disputed by the writ-petitioners that the power to appoint includes the power to dismiss but they contend that when an appointment is for a term then the power of dismissal cannot be exercised without cause.

(17) It is necessary first to determine the status of a member of the Governing Body or of the Governing Body. Is it an office or is it an employment ? We agree with the learned Single Judge when he says that the members of the Governing Body of the Society are not the servants of any one and there is thus no relationship of a master and servant between them on the one hand and either the Delhi Administration or the University of Delhi on the other. As will be seen from what has been stated earlier, the Delhi Administration, probably after taking the consent of the persons concerned, nominates or appoints them as members of the Governing Body of the Society. Such members, Therefore, do not hold any employment under any one; and they do not receive any remuneration for discharging their obligations or functions as members of the Governing Body. There is Therefore, no question of an employment as between a master and servant.

(18) Are such members then the holders of an office ? In Dale v. Inland Revenue Commissioners : 1954 Appeal Cases 11, (1) it was observed that the word "office" is apt in its ordinary sense to describe a trustee's position ? any position in which services are due by the holder and in which the holder has no employer.

In *McMillan v. Guest* : 1942 Appeal Cases 561 (2) Lord Atkin adopted the view of Rowlatt J. in *great Western Ry. Co. v. Bater* (1920) 3 K.B. 266, (3) that "an office or employment which was a subsisting, permanent, substantive position which had an existence independent of the person who filled it, which went on and was filled in succession by successive holders" is the holder of an office and that "there can be no doubt that the director of a company holds such an office as is described." It is also not necessary that the office may be of profit. It may be honorary. The fact that an office is honorary does not make it any the less an office. As was observed in *Deorao Laxman Anande Vs. Keshav Laxman Borkar*, , payment of remuneration is not a necessary condition of an office. We, Therefore, conclude agreeing with the learned Single judge that members of the Governing Body are holders of an office and. that they are not employees of any one in the sense of the relationship of master and servant. What then is the nature of this office is the next question. The Act does not talk of either a Governing Body or of its members in relation to a college. These arc, Therefore, not offices under the Act. But the Statutes and the Ordinances do talk of Governing Bodies and its personnel, tenure, duties and functions e.g. Statute 30(1) (C)(i) and Ordinance xviii. The Statutes and Ordinances arc subordinate legislation as they are enacted by virtue of the power conferred by the Act. Therefore, the Governing and its members are recognised by statutory law. But it does not necessarily follow that a Governing Body is a statutory body or a member of it is the holder of a statutory office just as a Director or a Managing Director or other office bearers of a company incorporated under the Companies Act, though recognised by the Companies Act as having rights, duties, obligations and functions as specified in the Companies Act, cannot be said to be the holder of a statutory office. The holder of a statutory office is one who is appointed under the statute in exercise of powers conferred by it by the authorities which are constituted to administer the statute. It is here that we do not agree with the learned Single .Judge when he says that "an office held under an Ordinance or Statute framed under the Delhi University Act is, Therefore, as "Statutory" as would be an office held under the Act itself. The Governing Body is itself a creation of Statute 30(1)(C) (i). In our opinion, the member of a Governing Body cannot De held to be holder of a statutory office even though as such member he may have to conduct himself in accordance with the provisions of the Act, the Statutes and the Ordinances. His status analogous to the status of the director or other officer of a company incorporated under the Companies Act.

(19) The next point to determine is whether the holder of an office which is not a statutory office even though appointed for a term has a right to continue in office till the expiry of the term. It is undisputed that the appointment to the Governing Body is by the Delhi Administration even though the appointment is subject to the approval of the Executive Council of the University. The Delhi Administration does not make the appointment in exercise of any power under any statute. Therefore, Mr. Chopra is right when he says that the appointment is in exercise of the executive power of the Government. The power to appoint includes the

power to dismiss and this power extends to a dismissal even during the tenure if the appointment is for a tenure. It has been so held by the Supreme Court in *Dr. Bool Chand Vs. The Chancellor, Kurukshetra University*, (5) where the Supreme Court said that the tenure of office of a Vice-Chancellor under the Kurukshetra University Act, 1956 could be determined before the expiry of the period for which he was appointed. Therefore, notwithstanding that the appointment by its terms or according to Ordinance xviii was for a period of three years, it could be terminated before the expiry of the tenure if it was an appointment at pleasure as, in our opinion, the appointment of a member of the Governing Body of a Society is. In holding that such appointment was not an appointment at pleasure, the learned Single Judge has referred to the observations of Lord Reid in *Ridge v. Baldwin* and others 1964 AC 40 (6) which were approved by the Supreme Court in *Dr. Bool Chand's* case (*supra*).

(20) In *Ridge v. Baldwin*, the House of Lords were considering the question whether the dismissal of Ridge from the office of chief constable subject to the Police Acts by the Watch Committee in exercise of powers u/s 191(4) of the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50) was valid. Section 191(1) authorised the Watch Committee to appoint a sufficient number of fit men to be borough constables. Sub-section (4) of this section authorised the watch committee at any time to suspend and dismiss any borough constable whom they thought negligent in the discharge of his duties, or otherwise unfit for the same. Lord Reid classified cases of dismissal into three categories, namely, (1) dismissal of a servant by his master, (2) dismissal from office held during pleasure and (3) dismissal from an office where there must be something, against a man to warrant his dismissal. As to the first category it was stated :-

" THERE cannot be specific performance of a contract of service, and the master can terminate the contract with his servant at any time and for any reason or for none. But if he does so in a manner not warranted by the contract he must pay damages for breach of contract. So the question in a pure case of master and servant does not at all depend on whether the master has heard the servant in his own defense : it depends on whether the facts emerging at the trial prove breach of contract."

As to the second category it was said :-

" THEN there are many cases where a man holds an office at pleasure. Apart from judges and others, whose tenure of office is governed by statute, all servants and officers of the Crown hold office at pleasure, and this has been held even to apply to a colonial judge (*Terrell v. Secretary of State for the Colonies* 1953 2 Q.B. 482). It has always been held, I think rightly, that such an officer has no right to be heard before he is dismissed, and the reason is clear. As the person having the power of dismissal need not have anything against the officer, he need not give any reason."

As to the third category, it was stated :-

"SOI come to the third class, which includes the present case. There I find an unbroken line of authority to the effect that an officer cannot lawfully be dismissed without first telling him what is alleged against him and hearing his defense or Explanation."

According to Lord Reid the case of Ridge was included in the third class. As to the power of dismissal from an office held at pleasure. Lord Reid stated :-

" I fully accept that where an office is simply held at pleasure the person having power of dismissal cannot be bound to disclose his reasons. No doubt he would in many cases tell the officer and hear his Explanation before deciding to dismiss him. But if he is not bound to disclose his reason and does not do so, then, if the court cannot require him to do so, it cannot determine whether it would be fair to hear the officer's case before taking action."

(21) Then his Lordship considered whether the case of Ridge fell in this class and he observed that it did not because the Act of 1882 permitted the Watch Committee to take action only on the grounds of negligence or unfitness, that is to say, for cause. It was for this reason that the case of Ridge did not fall in the second class, namely, an appointment held at pleasure. In this connection Lord Reid Stated :-

"In this case the Act of 1882 only permits the watch committee to take action on the grounds of negligence or unfitness. Let me illustrate the difference by supposing that a watch committee who had no complaint against their present Chief constable heard of a man with quite outstanding qualifications who would like to be appointed. They might think it in the public interest to make the change, but they would have no right to do it. But there could be no legal objection to dismissal of an officer holding office at pleasure in order to put a better man in his place."

(22) We do not find any limitation on the power of the Delhi Administration to dismiss or rather terminate the appointment of a person as member of a Governing Body of a Society as was found in section 191(4) of the Municipal Corporations Act, 1882. The House of Lords found that the case of Ridge fell in the third class just as the Supreme Court found that the case of Dr. Bool Chand (supra) fell in the third class. We, Therefore, do not agree with the learned Single Judge that the tenure of any member or members of the Governing Body could not be terminated without cause. To summarise, - (1) the appointment by the Delhi Administration of a person or persons as a member or members of the Governing Body is at pleasure; (2) even though the appointment was for the tenure of three years, it could be terminated before the expiry of the tenure; (3) a member or members of the Governing Body of the Society do not hold a statutory office; and (4) the appointment can be terminated without cause.

(23) This leads us to consideration of the question about the legality of the resolution dated July 16, 1972 of the Executive Council of the Delhi University whereby new Governing Bodies were constituted for the two Societies and

consideration of the question as to the effect of the letter dated January 6, 1973 referred to earlier, of the Registrar of the Delhi University conveying the approval of the Vice-Chancellor to the nomination of the Governing Body of Lakshmi Bai College with effect from November 16, 1971 for a period of three years and the application of the amended Ordinance xviii as on January 7, 1972 reducing the tenure from three years to one year.

(24) Taking the last question first, it seems to us that in terms of the aforesaid notification of the Chief Commissioner dated March 31, 1966 and rule 2 of the Rules relating to the governing Bodies of the two Societies, the tenure, inter alia, of the Governing Bodies appointed is to be in accordance with the Ordinances etc. as may be amended or revised from time to time. Ordinance xviii was amended on January 7, 1972 reducing the tenure of three years to one year. Automatically, Therefore, the tenure of the Governing Bodies then existing would stand reduced to one year and if any Governing Body has already been in existence for over one year, a new governing Body has to be appointed. The contention of the respondents is that the two Governing Bodies were appointed for a period of three years prior to amendment of Ordinance xviii whereby they acquired a vested right to remain in office for the full term notwithstanding the reduction of the tenure by a subsequent amendment and this contention is based upon the well-known principle that normally statutes have prospective effect and cannot affect vested rights accrued earlier unless in clear terms retrospective effect is intended. The statement of law by Kennedy L. J. in *West v. Gwynne* (1911) 2 Ch. 1, (7) now itself enjoys almost judicial authority. This statement is :-

" UPON the presumption that the legislature does not intend what is unjust rests the leaning against giving certain statutes a retrospective operation. They are construed as operating only in cases or on facts which come into existence after the statutes were passed unless a retrospective effect is clearly intended. It is a fundamental rule of English law that no statute shall be construed to have a retrospective operation unless such a construction appears very clearly in the terms of the Act, or arises by necessary and distinct implication."

(25) In our opinion and as a matter of construction, there is no question of any retrospective application in the cases before us. Clause 3CI) of Ordinance xviii which is quoted earlier is mandatory in terms. On January 7, 1972 this Ordinance stated that the members of the Governing Body shall hold office for one year It does not exclude existing Governing Bodies. In fact by its very terms, it applies to all Governing Bodies whether existing or to come into existence. This amendment has to be given effect to by reason of the terms of the aforesaid notification dated March 31, 1966 that the Governing Bodies shall be subject to the Ordinances etc. as for the time being in force as also rule 2 of the Society making the tenure subject to amendment and revision from time to time of the Ordinances etc. The question that had to be determined on January 7, 1972 was whether the existing Governing Bodies had held office for one year.

If the answer is that they had, clause 3(1) of Ordinance xviii must apply by its very force and irrespective of the tenure for which the Governing Bodies were appointed earlier and their tenure cannot ensure for a period more than one year from the date of their appointment. The amended Ordinance is to apply on and from January 7, 1972 to all Governing Bodies and there is, Therefore, no question of any retrospective application or interference with vested rights assuming that the members of the Governing Bodies had any vested right as to their tenure. The principle of retrospective operation, Therefore, does not apply.

(26) As to the validity of the letter of the Registrar dated January 6, 1972 conveying the approval of the Vice-Chancellor in the case of Lakshmi Bai College, the argument that it is a valid approval cannot be accepted. By reason of Statute 30(1) (C) (i) the approval is to be by the Executive Council and there is no power in the Executive Council to delegate its functions to any person. Therefore, the Vice-Chancellor by himself is not empowered to grant or refuse approval even though he may be the ex-officio Chairman of the Executive Council. Even the minute of the Executive Council dated November 27, 1971, referred to earlier, does not contain any delegation. On this date, the Executive Council found that the particulars of the persons nominated by the Delhi Administration were lacking. It, Therefore, authorised the Vice-Chancellor to take appropriate action and to approve the nomination of such persons. But the approval of the Vice-Chancellor was subject to the final verdict of the Executive Council because his action was to be reported to it. Therefore, in the case of Lakshmi Bai College, the operative resolution is the resolution of the Executive, Council passed on January 7, 1972 when they approved the writ-petitioners and others as members of the Governing Body of this Society with effect from November 16, 1971 for a period of one year and their tenure would, Therefore, terminate on or about November 16, 1972. The letter of the Registrar dated January 6, 1972 will not, Therefore, have any effect in the eve of law and it is only the resolution of the Executive Council dated January 7, 1972 which would be effective.

(27) In so far as the Maitreyi College is concerned, the position was that on January 7, 1972 the Governing Body of this Society had existed already for a period of more than one year and, in our opinion, was not entitled to continue beyond January 7, 1972.

(28) We have already held that the nomination and appointment of persons as members of the Governing Body is not a statutory appointment but is an appointment to an office held at pleasure. Therefore, even if the tenure of one year had not expired on July 16, 1972 in the case of Lakshmi Bai College it could be terminated even before the expiry of the term without cause. There is. Therefore, no infirmity in the resolution of the Executive Council of the University of Delhi dated July 16, 1972 which was impugned by these two writ petitions.

(29) The result, Therefore, is that these appeals are allowed, the orders of the learned Single Judge are set aside and it is ordered that the writ petitions shall stand dismissed. In the circumstances of the case and inasmuch as the

petitioners and some of the respondents who were appointed to the earlier Governing Bodies were doing honorary work, it is a fit case in which parties should bear their respective costs of these appeals and the writ petitions.